

1 Suzanne J. Romajas  
2 SECURITIES AND EXCHANGE COMMISSION  
3 100 F Street, N.E.  
4 Washington, DC 20549-5971  
5 Email: [RomajasS@sec.gov](mailto:RomajasS@sec.gov)

6 *Attorney for Plaintiff*

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 SECURITIES AND EXCHANGE COMMISSION,

11 Plaintiff,

12 vs.

13 JOHNNY R. THOMAS,  
14 ROBERT C. POTTS,  
15 JONATHAN BRETT WOODARD, and  
16 JOHN C. FRANCIS,

17 Defendants.

Case No. 2:19-cv-1132-JCM-EJY

**STIPULATION AND**  
**~~[PROPOSED]~~ ORDER TO**  
**EXTEND BRIEFING**  
**DEADLINES ON**  
**DEFENDANTS' MOTION**  
**TO COMPEL (DKT. NO. 45)**

**[First Request]**

18 Pursuant to Local Rules IA 6-1, Plaintiff Securities and Exchange Commission ("SEC") and  
19 Defendants Johnny R. Thomas ("Thomas") and John C. Francis ("Francis") stipulate and agree as  
20 follows:

21 1. On August 25, 2020, Defendants Thomas and Francis filed a motion to compel the  
22 production of (i) notes of witness interviews conducted during the SEC's investigation and  
23 (ii) internal communications of the SEC's Division of Corporation Finance concerning Blue Earth,  
24 Inc. (Dkt. No. 45) ("Motion to Compel").

25 2. Pursuant to Local Rule 7-2(b), the current deadline for the SEC to respond to the  
26 Motion to Compel is Tuesday, September 8, 2020, the day after Labor Day, and the current deadline  
27 for Defendants Thomas and Francis to file a reply is Tuesday, September 15, 2020.  
28

1           3.       The SEC and Defendants Francis and Thomas have agreed to and seek the Court's  
2 approval of a briefing schedule that would give each party an additional three days, beyond the  
3 timeframes allotted by Local Rule 7-2(b), to file their opposition and reply papers.

4           4.       The agreed extensions would impact the filing dates as follows:

5               a.       The SEC shall file its papers in opposition to the Motion to Compel on or  
6 before Friday, September 11, 2020 (extending the SEC's response time from 14 days to 17 days);  
7 and

8               b.       Defendants Thomas and Francis shall file their reply papers in further  
9 support of the Motion to Compel on or before Monday, September 21, 2020 (extending Defendant  
10 Thomas and Francis' response time from seven days to 10 days).

11          5.       This is the parties' first request for an extension of the Motion to Compel briefing  
12 deadlines. This extension of time would allow SEC to avoid scheduling difficulties that otherwise  
13 would be created by virtue of having the SEC's papers due the day after Labor Day weekend and  
14 would provide a similar 3-day extension of time to Defendants Thomas and Francis.

15          6.       Counsel for the SEC and Defendants Thomas and Francis have conferred and agree  
16 that the requested extensions are an appropriate and efficient means of resolving the parties'  
17 scheduling concerns. The request is made in good faith and not for purposes of delay.

18 **IT IS SO STIPULATED:**

19                               Respectfully submitted,

20       Dated: September 2, 2020

21                               /s/Suzanne J. Romajas

22                               Suzanne J. Romajas  
23                               Securities and Exchange Commission  
24                               100 F Street, NE  
25                               Washington, DC 20549-5971  
26                               [RomajasS@sec.gov](mailto:RomajasS@sec.gov)

27                               Attorney for Plaintiff  
28

1  
2 Dated: September 2, 2020

/s/Adam C. Trigg

Randall R. Lee  
Jessica Valenzuela Santamaria  
Amy M. Smith  
Cooley LLP  
1333 2<sup>nd</sup> Street, Ste. 400  
Santa Monica, CA 90401  
[Randall.Lee@cooley.com](mailto:Randall.Lee@cooley.com)

7 -and-

8 Adam C. Trigg  
Bergeson LLP  
111 N. Market Street, Ste. 600  
San Jose, CA 95113  
[ATrigg@be-law.com](mailto:ATrigg@be-law.com)

11 *Attorneys for Defendants Thomas and Francis*

14 **IT IS SO ORDERED:**

15   
16 UNITED STATES MAGISTRATE JUDGE

DATED: September 2, 2020